

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRICK L. BRADDOCK,

Petitioner,

v.

CASE NO. 07-CV-11663  
HONORABLE LAWRENCE P. ZATKOFF

JAN E. TROMBLEY,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR TEMPORARY RESTRAINING  
ORDER, PRELIMINARY INJUNCTION, OR APPOINTMENT OF COUNSEL,  
GRANTING PETITIONER'S MOTION TO FILE A REPLY BRIEF, AND  
SETTING DEADLINES FOR FILING SUPPLEMENTAL PLEADINGS**

This matter is before the Court on Petitioner's motion for temporary restraining order, preliminary injunction or appointment of counsel, as well as his motion to be allowed to file a reply brief. The Court previously granted Petitioner permission to file an amended habeas petition by February 8, 2008 and allowed Respondent until April 8, 2008 to file an answer to that amended petition. In his first motion, Petitioner states that he is disabled and that he has been placed in administrative segregation which has impeded his ability to timely prepare and submit his amended petition. Petitioner anticipates being returned to the general prison population at the end of January, 2008. Petitioner requests that the Court order prison officials to return him to the general population immediately, provide him with his personal typewriter, and/or appoint counsel to assist him in preparing his amended petition. In his second motion, Petitioner seeks permission to file a reply brief to Respondent's answer to the amended petition. Respondent has not filed a response to either motion.

A federal court has discretion to issue a temporary restraining order and/or preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. A person seeking such an order bears the burden of establishing “immediate and irreparable injury, loss, or damage will result” in order for the court to grant the order. Fed. R. Civ. P. 65(b)(1). In determining whether to grant or deny such relief, federal courts balance the following factors:

- (1) Whether the party seeking the injunction has shown a substantial likelihood of success on the merits;
- (2) Whether the party seeking the injunction will suffer irreparable harm absent the injunction;
- (3) Whether an injunction will cause others to suffer substantial harm; and
- (4) Whether the public interest would be served by the preliminary injunction.

*Memphis Planned Parenthood, Inc. v. Sundquist*, 175 F.3d 456, 460 (6<sup>th</sup> Cir. 1999).

Petitioner has not shown a substantial likelihood of success on the merits of his habeas case, nor has he shown that he will suffer irreparable harm. The relief he seeks is unnecessary under the circumstances of this case. The Court can alleviate Petitioner’s difficulties in timely preparing and submitting his amended petition by extending the time in which he may file his pleadings. Instructing prison officials to relocate Petitioner prematurely and/or to provide him with his personal typewriter may be disruptive to the orderly operation of the prison. Petitioner is not entitled to counsel in habeas proceedings and the interests of justice do not require appointment of counsel at this time. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6<sup>th</sup> Cir. 1995); 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Petitioner has also not shown that the public interest would be served by granting him the requested relief.

Accordingly, the Court **DENIES** Petitioner’s motion for a temporary restraining order, preliminary injunction, or appointment of counsel and instead extends the time in which he may file

his amended habeas petition to **May 1, 2008**. Respondent shall file an answer to the amended petition on or before **July 1, 2008**. Lastly, the Court **GRANTS** Petitioner's motion to file a reply brief and orders him to do so by **August 15, 2008**.

**SO ORDERED.**

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: January 7, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 7, 2008.

s/Marie E. Verlinde

Case Manager

(810) 984-3290